

IT 95-69

Tax Type: INCOME TAX

Issue: Federal Change (Individual)

Administrative Hearings Division
James R. Thompson Center
100 West Randolph Street
Chicago, Illinois 60601

THE DEPARTMENT OF REVENUE
OF THE STATE OF ILLINOIS

v.

XXXXXX,

Taxpayer

)
)
)
)
)
)
)

Docket No.
SSN:

RECOMMENDATION FOR DISPOSITION

APPEARANCES: None. Taxpayers in default.

SYNOPSIS: This case involves the additional tax liability for the taxable years ended 12/31/85 and 12/31/86 as well as 12/31/86 year only.

FINDINGS OF FACT:

1. The taxpayers received proper statutory notice of the scheduled hearing but failed to appear either personally or through a duly licensed attorney and therefore an order of default was entered against them.

2. The Department of Revenue received information from the Internal Revenue Service indicating that for the 1985 and 1986 taxable years final changes were made to the taxpayers' federal adjusted gross income.

3. The Department of Revenue records indicated that the taxpayers did not report these changes to the Illinois Department of Revenue pursuant to 35 ILCS 5/506(a) and (b).

4. The taxpayers filed a timely Protest and Hearing Request.

CONCLUSIONS OF LAW:

1. The taxpayers were required to but failed to file an amended Illinois income tax return reporting additional Illinois income tax liability for the taxable years ended 12/31/85 and 12/31/86 and failed to pay such amounts.

2. The taxpayers failed to present any evidence upon which to base a finding that their failure to pay the additional Illinois income tax due as a result of a final federal change was due to reasonable cause.

3. The Director of Revenue should issue his Notice of Decision upholding the Notice of Deficiency in its entirety.

Dennis L. Karns,
Administrative Law Judge

Dated: May 25, 1994